

Introduced by Senator Kehoe

February 18, 2011

An act to amend Section 87500 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 801, as introduced, Kehoe. Political Reform Act of 1974: statement of economic interests.

Existing provisions of the Political Reform Act of 1974 require specified candidates for elective office, elected and appointed state officers, and public officers and employees to file statements of economic interests with specified entities according to the employing agency or office of the officer, employee, or candidate.

This bill would direct persons appointed to a specific term on a state board, commission, or similar multimember body of the state by the Governor to file one original copy of their statements of economic interests with the respective board, commission, or body, which would be required to make and retain a copy and forward the original to the Fair Political Practices Commission (FPPC). The bill would designate the FPPC as the filing officer for purposes of those statements.

Because a violation of the act is a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes

upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 87500 of the Government Code is
2 amended to read:

3 87500. Statements of economic interests required by this
4 chapter shall be filed as follows:

5 (a) Statewide elected officer—one original with the agency, which
6 shall make and retain a copy, forward a copy to the Secretary of
7 State, and forward the original to the ~~commission~~ Commission,
8 which shall retain the original and send one copy to the
9 Registrar-Recorder of Los Angeles County and one copy to the
10 Clerk of the City and County of San Francisco. The ~~commission~~
11 Commission shall be the filing officer.

12 (b) Candidates for statewide elective office—one original and
13 one copy with the person with whom the candidate's declaration
14 of candidacy is filed, who shall forward the copy to the Secretary
15 of State and the original to the ~~commission~~ Commission, which
16 shall retain the original and send one copy to the
17 Registrar-Recorder of Los Angeles County and one copy to the
18 Clerk of the City and County of San Francisco. The ~~commission~~
19 Commission shall be the filing officer.

20 (c) Members of the Legislature and Board of Equalization—one
21 original with the agency, which shall make and retain a copy,
22 forward a copy to the Secretary of State, and forward the original
23 to the ~~commission~~ Commission, which shall retain the original and
24 send one copy to the elections official of the county that contains
25 the largest percentage of registered voters in the election district
26 that the officeholder represents, and one copy to the elections
27 official of the county in which the officeholder resides. No more
28 than one copy of each statement need be filed with the elections
29 official of any one county. The ~~commission~~ Commission shall be
30 the filing officer.

31 (d) Candidates for the Legislature or the State Board of
32 Equalization—one original and one copy with the person with whom

1 the candidate's declaration of candidacy is filed, who shall forward
2 the copy to the Secretary of State and the original to the
3 ~~commission~~ *Commission*, which shall retain the original and send
4 one copy to the elections official of the county that contains the
5 largest percentage of registered voters in the election district in
6 which the candidate seeks nomination or election, and one copy
7 to the elections official of the county in which the candidate resides.
8 No more than one copy of each statement need be filed with the
9 elections official of any one county. The ~~commission~~ *Commission*
10 shall be the filing officer.

11 (e) Persons holding the office of chief administrative officer
12 and candidates for and persons holding the office of district
13 attorney, county counsel, county treasurer, and member of the
14 board of supervisors—one original with the county clerk, who shall
15 make and retain a copy and forward the original to the ~~commission~~
16 *Commission*, which shall be the filing officer.

17 (f) Persons holding the office of city manager or, if there is no
18 city manager, the chief administrative officer, and candidates for
19 and persons holding the office of city council member, city
20 treasurer, city attorney, and mayor—one original with the city clerk,
21 who shall make and retain a copy and forward the original to the
22 ~~commission~~ *Commission*, which shall be the filing officer.

23 (g) Members of the Public Utilities Commission, members of
24 the State Energy Resources Conservation and Development
25 Commission, planning commissioners, and members of the
26 California Coastal Commission—one original with the agency,
27 which shall make and retain a copy and forward the original to the
28 ~~commission~~ *Commission*, which shall be the filing officer.

29 (h) *Persons appointed to a specific term on a state board,*
30 *commission, or similar multimember body of the state by the*
31 *Governor—one original with the respective board, commission, or*
32 *body, which shall make and retain a copy and forward the original*
33 *to the Commission, which shall be the filing officer.*

34 (h)
35 (i) Members of the Fair Political Practices Commission—one
36 original with the ~~commission~~ *Commission*, which shall make and
37 retain a copy and forward the original to the office of the Attorney
38 General, which shall be the filing officer.

39 (i)

(j) Judges and court commissioners—one original with the clerk of the court, who shall make and retain a copy and forward the original to the ~~commission~~ *Commission*, which shall be the filing officer. Original statements of candidates for the office of judge shall be filed with the person with whom the candidate's declaration of candidacy is filed, who shall retain a copy and forward the original to the ~~commission~~ *Commission*, which shall be the filing officer.

(j)

(k) Except as provided in subdivision ~~(k)~~ (l), heads of agencies, members of boards or commissions not under a department of state government, and members of boards or commissions not under the jurisdiction of a local legislative body—one original with the agency, which shall make and retain a copy and forward the original to the code reviewing body, which shall be the filing officer. The code reviewing body may provide that the original be filed directly with the code reviewing body and that no copy be retained by the agency.

~~(k)~~

(l) Heads of local government agencies and members of local government boards or commissions, for which the Fair Political Practices Commission is the code reviewing body—one original to the agency or board or commission, which shall be the filing officer, unless, at its discretion, the Fair Political Practices Commission elects to act as the filing officer. In this instance, the original shall be filed with the agency, board, or commission, which shall make and retain a copy and forward the original to the Fair Political Practices Commission.

~~(l)~~

(m) Designated employees of the Legislature—one original with the house of the Legislature by which the designated employee is employed. Each house of the Legislature may provide that the originals of statements filed by its designated employees be filed directly with the ~~commission~~ *Commission*, and that no copies be retained by that house.

~~(m)~~

(n) Designated employees under contract to more than one joint powers insurance agency and who elect to file a multiagency statement pursuant to Section 87350—the original of the statement with the ~~commission~~ *Commission*, which shall be the filing officer,

1 and, with each agency with which they are under contract, a
2 statement declaring that their statement of economic interests is
3 on file with the ~~commission~~ *Commission* and available upon
4 request.

5 ~~(n)~~

6 (o) Members of a state licensing or regulatory board, bureau,
7 or commission—one original with the agency, which shall make
8 and retain a copy and forward the original to the ~~commission~~
9 *Commission*, which shall be the filing officer.

10 ~~(o)~~

11 (p) Persons not mentioned above—one original with the agency
12 or with the code reviewing body, as provided by the code reviewing
13 body in the agency's conflict of interest code.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.

23 SEC. 3. The Legislature finds and declares that this bill furthers
24 the purposes of the Political Reform Act of 1974 within the
25 meaning of subdivision (a) of Section 81012 of the Government
26 Code.